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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 MARIA LORENA MARTINEZ, an  
12 individual; and ROES 1-50 on behalf of  
13 themselves in a representative capacity for all  
others similarly situated,

Plaintiff,

14 vs.

15  
16 CHATHAM CARLSBAD HS LLC *et. al.*,

17 Defendant.  
18

CASE NO. 12-cv-1407-MMA (JMA)

**NOTICE AND ORDER  
PROVIDING TENTATIVE  
RULING REGARDING  
PLAINTIFF'S MOTION TO  
REMAND**

[Doc. No. 7]

19 Currently pending before the Court and set for hearing on August 27, 2012 is Plaintiff's  
20 motion to remand. [Doc. No. 7.] Having considered the submissions of the parties, and in  
21 anticipation of Monday's hearing, the Court hereby issues the following tentative rulings:

22 The Court tentatively finds that Defendants fail to establish complete diversity of  
23 citizenship because Defendants do not provide any evidence to support their claim that Chatham  
24 Carlsbad HS LLC is composed entirely of citizens of Florida and none of its members are citizens  
25 of California.

26 The Court tentatively finds further that Defendants fail to establish, by a preponderance of  
27 the evidence, that the amount in controversy exceeds the statutory minimum of \$75,000.

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1 Accordingly, the Court tentatively finds that Defendants do not satisfy their burden of  
2 proving the Court's subject matter jurisdiction over this action. Therefore, the Court tentatively  
3 **REMANDS** the action to state court.

4 The Court also tentatively **DENIES** Plaintiff's request for attorney's fees incurred as a  
5 result of the removal because Defendants had an objectively reasonable basis for removal.

6 Counsel are advised the Court's rulings are tentative and the Court will entertain additional  
7 argument at Monday's hearing.

8 **IT IS SO ORDERED.**

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10 DATED: August 24, 2012

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12 Hon. Michael M. Anello  
13 United States District Judge  
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